IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.8041 OF 2004

Jagonda Kalgonda Patil .... Petitioner
Vs.
Arvind Mohanlal Shah & Anr. .... Respondents

Sarvasri A.A. Kumbhakoni with A.M. Kulkarni
for the Petitioner.

Sarvasri N.V. Walawalkar with G.H. Keluskar
for the Respondents.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: OCTOBER 25, 2004

P.C:

1. Heard the learned Advocates for the parties.

2. Undisputedly, the decree for eviction against the petitioner, in the case in hand, is on the ground of default in payment of rent. However, yet another decree against the petitioner for eviction from the suit premises is on the ground of acquisition of alternative suitable residence. The said decree has been confirmed by the lower Appellate Court and this Court has refused to interfere therein consequent to rejection of the Writ Petition No.8066 of 2004 by the order passed today. Being so, no purpose will be served by entertaining the present writ petition as the landlord is entitled for eviction of the tenant on any one ground when the

eviction is sought for, on more than one ground. Since the eviction of the petitioner on the ground of acquisition of alternative suitable accommodation is already available to the respondents/landlord, no purpose will be served by entertaining the present application and, therefore, the petition is rejected.

3. On oral request by the learned Advocate for the petitioner, time to vacate the suit premises is extended till 28-2-2005 subject to submitting undertaking by the petitioner and every major member of the petitioner's family as well as those occupying the premises, to be filed before the Registrar (Judl.) of this Court within three weeks from today assuring that the petitioner shall handover the vacant and peaceful possession of the suit premises to the respondents/landlord on or before 28-2-2005 and shall not induct any third person nor shall create any third party interest in the suit premises.